

EXPRESS MAIL NO.: EL615431048US

Date Mailed: February 11, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David Mack, *et al.*

Appl. No. 09/525,361

Filed: March 15, 2000

For: **NOVEL METHODS OF
DIAGNOSING BREAST CANCER,
COMPOSITIONS, AND METHODS
OF SCREENING FOR BREAST
CANCER MODULATORS**

Art Unit: 1634

Examiner: Johannsen, D.

Confirmation No. 9370

Atty. Docket: 05882.0129.CPUS03

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Small Entity**

Mail Stop AF
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated **August 25, 2003** that resulted in Applicant having claims that have been twice or finally rejected.

The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our Check No. 006561. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

02/18/2004 HBIZUNES 00000105 09525361

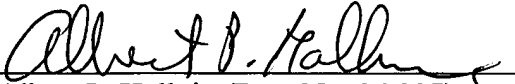
01 FC:2401

165.00 OP

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 05882.0129.CPUS03. A duplicate copy of this Notice is attached.

Respectfully submitted,

Date: February 11, 2004


Albert P. Halluin (Reg. No. 25,227)
Panpan Gao (Reg. No. 43,626)

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025
Ph. (650) 463-8133